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**Remarks**

Reconsideration of the application is sought in view of the Request for Continued Examination. Independent claims 1 and 13 are amended to further define the invention. Claims 1, 5-7, 11, 13 and 17-19 remain pending.

The previously presented claims were rejected under 35 U.S.C. §103 as being obvious based on Servais, et al. (U.S. Patent No. 6,141,388; "Servais") in view of Ngoc et al. (U.S. Patent No. 6,539,031; "Ngoc") and some claims were rejected further in view of Yao (U.S. Patent No. 6,400,724; "Yao"). It is believed that the currently presented claims are not obvious in view of these references.

Applicants respectfully submit that the applied references, with or without combination, assuming, *arguendo*, that the combination of the applied references is proper, do not teach or suggest one or more elements of the claimed invention, as further discussed below.

For explanatory purposes, applicants discuss herein one or more differences between the applied references and the claimed invention with reference to one or more parts of the applied references. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the applied references correspond to the claimed invention.

Claim 1 is directed to method in which the communication protocol utilized for transmission from one transceiver to another transceiver can be automatically changed to adjust for changing conditions that adversely impact signal quality at the receiving transceiver. A transmitter at the first transceiver transmits a plurality of signals over communication channel that imparts inter symbol interference. Filtering of the transmitted symbols provides a first pulse shaping characteristic. A second transceiver receives the symbols where the received symbols are filtered by a receiver pulse shaping filter that provides a second pulse shaping characteristic that matches the pulse shaping characteristic of the transmit filter. A software decision metric at the receiver determines the plurality of symbols and determines the main symbol error probability or mean bit error probability. The second transceiver transmits to the first transceiver the signal it carries the error probability. A comparison is made of the first transceiver of the error probability to predetermined thresholds to select a communication protocol. A first

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communication protocol is selected upon the error probability exceeding a first threshold and a second communication protocol is selected upon the error probability exceeding a second threshold.

The previously applied references, assuming arguendo that a combination of these references is proper, did not render obvious to method in accordance with claim 1. For example, it is believed that none of the references teach filtering of the received symbols with a filter that has a matching pulse filter characteristic to filter utilized at transmitter to filter the transmitted symbols. The combination of the recited steps in claim 1 when properly considered as a whole are not render obvious based on the previously applied references.

Independent apparatus claims 13 is also believed to be allowable based on similar reasons.

If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney at the indicated telephone number.

Respectfully submitted,



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